

Remarks

Applicants respectfully request that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicants submit that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicants believe that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 1 and 15 have been amended. No claims have been canceled. Therefore, claims 1, 3-15 and 17-42 are now presented for examination.

Claims 1, 3-15, and 17-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tobin (U.S. Pub. No. 2002/0077992) in view of Keenan et al. (U.S. Patent No. 6,788,934). Applicants submit that the present claims are patentable over Tobin in view of Keenan.

Tobin discloses an electronic system that includes a user transaction device that provides a device identifier when coupled to a transaction terminal. The transaction terminal is configured to indicate that a transaction is to be performed when coupled to the user transaction device. The electronic system also includes a transaction privacy clearinghouse (TPCH), coupled selectively to the user transaction device when a transaction is to be performed. The TPCH is coupled to receive the device identifier and accessible data. Additionally, the accessible data is to be stored in a public storage area of a memory storage device that can be communicatively coupled to the user transaction device. The TPCH authorizes a transaction based upon the device identifier and the accessible data that includes account information of a user that is authorized to use the

user transaction device. Moreover, a transaction is authorized without providing the identity of the user to the transaction terminal. The memory storage device also includes a private storage area for storage of confidential data such that the private storage area is to be encrypted with a key that is to be stored in the user transaction device. See Tobin at paragraph [0007].

However, Tobin does not disclose or suggest a controller to establish a wireless communication link between a wireless communication module and a first remote device based upon access rights associated with the first remote device to a public storage area and a private storage area. Instead, Keenan had been cited to disclose such a feature.

Keenan discloses a system for centrally and remotely testing switches of cellular and conventional telecommunications network wherein a controller located at a remote location provides instructions to Remote Call Processor (RCP) to thereby prompt the RCPs to establish a communication link from the RCP through a switch to a destination device whereby audio from said destination device is communicated, by way of the switch and the RCP, to the controller in order to verify that the switch properly routed and billed of the call. The destination device may be a service provided by such network or it may be another RCP. See Keenan at Abstract. However, nowhere in Keenan is there disclosed or suggested a controller to establish a wireless communication link between a wireless communication module and a first remote device based upon access rights associated with the first remote device to a public storage area and a private storage area.

Claim 1 of the present application recites:

A portable device, which includes:

a wireless communication module to communicate with each of a plurality of remote devices within a locality;

a data storage module having a public storage area with which selected remote devices exchange data in a free manner, and a private storage area with which selected remote devices exchange data in a restricted manner; and

a controller connected to the wireless communication module and to the data storage module, to establish a wireless communication link between the wireless communication module and a first remote device based upon access rights associated with the first remote device to the public storage area and the private storage area.

As discussed above, both Tobin and Keenan fail to disclose or suggest a controller to establish a wireless communication link between a wireless communication module and a first remote device based upon access rights associated with the first remote device to a public storage area and a private storage area. Keenan discloses a controller located at a remote location that provides instructions to a Remote Call Processor (RCP) to prompt the RCPs to establish a communication link through a switch to a destination device. However, there is no disclosure that the controller in Keenan establishes the communication link based upon access rights associated with the first remote device to a public storage area and a private storage area. Since neither reference discloses or suggests establishing a wireless communication link between a wireless communication module and a first remote device based upon access rights associated with the first remote device to a public storage area and a private storage area, any combination of Tobin and Keenan would disclose or suggest such a feature.

In addition, it is also respectfully submitted that Tobin does not teach or suggest a combination with Keenan and that Keenan does not teach or suggest a combination with Tobin. It would be impermissible hindsight based on applicant's own disclosure to

incorporate the personal transaction device in Tobin into the Keenan test system for remotely testing switches within a telecommunications network. Moreover, such a combination would still lack a controller to establish a wireless communication link between a wireless communication module and a first remote device based upon access rights associated with the first remote device to a public storage area and a private storage area.

Claims 3-14 depend from claim 1 and include additional features. Thus, claims 3-14 are also patentable over Tobin.

Claim 15 recites:

A data communication system, which includes:
a plurality of remote devices, each remote device including a wireless communication interface; and
at least one portable device, which includes:
a wireless communication module to communicate within a locality with the wireless communication interface the remote devices;
a data storage module having a public storage area with which selected remote devices exchange data in a free manner, and a private storage area with which selected remote devices exchange data in a restricted manner; and
a controller connected to the wireless communication module and to the data storage module, to establish a wireless communication link between the wireless communication module and a first remote device based upon access rights associated with the first remote device to the public storage area and the private storage area.

Therefore, for the reasons described above with respect to claim 1, claim 15 is also patentable over Tobin. Because claims 17-20 depend from claim 15 and include additional features, claims 17-20 are also patentable over Tobin.

Claim 21 recites:

A method which includes:

monitoring, by means of a portable device, wireless communications from a plurality of remote devices requesting communications with the portable device within a locality, the portable device including a public storage area with which selected remote devices exchange data in a free manner, and a private storage area with which selected remote devices exchange data in a restricted manner;

identifying access rights associated with the remote device; and

establishing a wireless communication link between the wireless communication module and a first remote device based upon access rights associated with the first remote device to the public storage area and the private storage area.

Accordingly, for the reasons described above with respect to claim 1, claim 21 is also patentable over Tobin. Since claims 22-32 depend from claim 21 and include additional features, claims 22-32 are also patentable over Tobin.

Claim 33 recites:

A computer program product including a medium readable by a computer, the medium carrying instructions which, when executed by the computer, cause the computer to:

monitor wireless communications within a locality from a plurality of remote devices requesting substantive communications with a portable device including the processor and a data storage module a public storage area with which selected remote devices exchange data in a free manner, and a private storage area with which selected remote devices exchange data in a restricted manner;

identify access rights associated with the remote device; and

establish a wireless communication link between the wireless communication module and a first remote device based upon access rights associated with the first remote device to the public storage area and the private storage area.

Thus, for the reasons described above with respect to claim 1, claim 33 is also patentable over Tobin. Because claims 34-42 depend from claim 33 and include additional features, claims 34-42 are also patentable over Tobin.


Applicants respectfully submit that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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